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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,333

08/19/2003

Dianne M. Goodwin

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EXAMINER

KATCHEVES, BASIL S

ART UNIT

PAPER NUMBER

3635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/21/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/643,333

Applicant(s)

GOODWIN ET AL.

Examiner

Basil Katcheves

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3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-14,17,18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-14,17,18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-20 in the reply filed on 10/30/06 is acknowledged. However, a single species was not entirely selected by the applicant. A telephone call from the examiner to Mike Reinhardt on 12/14/06 resulted in the election of one species, drawn to a sliding, automatically closing, pocket joint and pole fastener, which are drawn to claims 1, 2, 4-9, 11-14, 17, 18 and 20. These claims are examined below.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means of automatically closing the sliding door must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The claim and specification do not explain how the sliding door is automatically closed.

Claim Objections

Claims 1 and 8 are objected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 8 are drawn

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to a subcombination door. However, the claims then recite a positive relation to a collapsible structure, appearing to be a combination. The claims are examined as being drawn to the collapsible structure and door combination. Clarification is required.

Claim 11 is objected for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 states the door is configured to automatically close. This is vague. The claim has been examined as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-9, 12-14, 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,484,739 to Sofie et al.

Regarding claim 1, Sofie discloses a tent (collapsible structure) having a sliding door (Title, fig. 7) in the entranceway.

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Regarding claims 2, 4, Sofie discloses the sliding door as having a "fan" shape (capable of moving air) and inherently capable of fitting within a double layered wall.

Regarding claim 5, Sofie discloses a reinforcement member (604) coupled to the door.

Regarding claim 6, Sofie discloses the door as having a fastener (600).

Regarding claims 7, 9, Sofie discloses the door as made from a flexible material (column 7, lines 22-45).

Regarding claim 8, Sofie discloses a sliding door upon a tent and a reinforcement member (604) coupled to the door, the door having an inherent "fan" shape, capable of moving air.

Regarding claim 12, Sofie discloses the reinforcing member as comprising a plurality (fig. 6: 604 & 610).

Regarding claims 13 and 14, Sofie discloses a joint (fig. 6: 608) pivotally attached to the reinforcement members and has the configuration of a pocket, since it received the reinforcing members.

Regarding claim 17, Sofie discloses a fastener (fig. 7: 710) for securing the door in the closed position.

Regarding claim 18, Sofie discloses the fastener (7100 as being a pole inserted within a capture (712).

Regarding claim 20, Sofie discloses the door as capable of permitting simplified and unobstructed passage through the entranceway of the tent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,484,739 to Sofie et al in view of U.S. Patent No. 6,155,326 to Imhoff et al.

Regarding claim 11, Sofie does not disclose the sliding flexible door as configured to automatically close. Imhoff discloses a sliding flexible door which is configured to automatically close by use of pulleys, motor and cables (fig. 2 & 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sofie by adding the pulley. Cable and motor system of Imhoff in order to pull the flexible door along it's track in an automated manner so that the door will open without the use of physical strength where handicapped access is required.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to tent doors in general.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack, can be reached at (571) 272-6848.

BK


Basil Katcheves

12/18/06

Examiner AU 3635